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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,867	05/30/2001	Richard J. Qian	10559/476001/P11155	8975

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/870,867	<b>Applicant(s)</b> QIAN, RICHARD J.	
	<b>Examiner</b> Neveen Abel-Jalil	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on January 25, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12, 14-22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12, 14-22 and 24-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on 25-January-2006, PROSECUTION IS HEREBY REOPENED. *A new ground of rejection is set forth below.*

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Status of the claims: claims 1-2, 4-12, 14-22, and 24-30 are pending. Claims 3, 13, and 23 have been cancelled.

### ***Claim Objections***

3. Claim 21 is objected to because of the following informalities:

Applicant's language of "causing" or "causes" a computer to do something -in claim 21- is not prohibiting and does not cause any functionality to occur in the computer and thus failing to particularly point out and distinctly claim their invention (it's unclear what Applicant's intended metes and bounds of the claim are, since the claim appears to cover anything and

everything that does not prohibit actions from occurring). Claim should be amended to either remove “cause” or state “instructions executable by a machine to”.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-12, 14-22, and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Shteyn (U.S. Pub. No. 2002/0116471 A1).

As to claim 1, Shteyn discloses a method for integrating content, comprising:

searching the plurality of media sources for content and metadata based on a search criteria (See pages 3-4, paragraph 0031, wherein “search criteria” reads on “time, genre, etc.” which are all search options except user preference);

parsing the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time (See pages 3-4, paragraph 0031, teaches parser as part of the system, and see page 4, paragraph 0032, wherein “performed in real-time” reads on “immediately”);

receiving user preference information from a content service provider (See page 4, paragraph 0037);

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integrating the content and the metadata according to the user preference information and based on the result of the parsing of the metadata (See page 4, paragraph 0031, also see page 4, paragraph 0034, and page 1, paragraph 0011, metadata and user preference represented in user profile form a dataset composite); and

sending the integrated content and metadata to the content provider (See page 4, paragraph 0036); and

rendering the integrated content concurrently using one or more displays (See page 3, paragraph 0031).

As to claims 2, 12, and 22, Shteyn discloses providing the integrated content and the metadata to an information presenter (See page 3, paragraph 0031).

As to claims 4, 14, and 24, Shteyn discloses wherein the plurality of media sources comprises television programs, Internet broadcasts, and web pages (See page 1, 0005, prior art, also see Figure 1, 140, broadcast device, deemed to broadcast television or Internet content).

As to claims 5, 15, and 25, Shteyn discloses wherein a data description manager to pass the metadata resulting from the parsing and an associated content to an information integrator using an extensible markup language (XML) (See page 3, paragraph 0023, lines 6-10).

As to claims 6, 16, and 26, Shteyn discloses passing the metadata resulting from the parsing and an associated content to an information integrator via an Application Programming Interface (API) (See page 3, paragraph 0024, wherein “API” reads on network “interface”).

As to claims 7, 17, and 27, Shteyn discloses wherein the content is associated with one or more metadata descriptions (See page 2, paragraph 0017, wherein “title, artist, etc.” represents metadata descriptions).

As to claims 8, 18, and 28, Shteyn discloses wherein the content is associated with one or more metadata descriptions are created by a multi-modal analysis engine (See page 4, paragraph 0037, wherein “multi-modal analysis engine” is defined as Multimodal applications represent the convergence of content -- video, audio, text and images thus reading on “user device” capable of receiving different content- i.e. broadcast, Web access, and exchange services).

As to claims 9, 19, and 29, Shteyn discloses wherein the multi-modal analysis engine comprises **one or more** of the following:

a video analyzer, an audio analyzer, and a digital analyzer (See page 3, paragraph 0028, teachings plurality of content receivers/analyzers).

As to claims 10, 20, and 30, Shteyn discloses wherein the processor is further to store the integrated content for access at anytime by the user (See page 4, paragraph 0036).

As to claim 11, Shteyn discloses an apparatus for delivering content, comprising:

a memory to store executable instructions (See page 1, paragraph 0006, prior art, also see Figure 1, 150, receiver, wherein all user devises (i.e. client) taught in this reference (i.e. set-up box, personal computer, television sets, etc.) deemed to include memory); and

a processor, coupled with the memory (See Figure 2, 220, Processor), the processor to execute the instructions to:

search a plurality of media sources for content and metadata based on a search criteria (See pages 3-4, paragraph 0031, wherein “search criteria” reads on “time, genre, etc.” which are all search options except user preference);

parse the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time (See pages 3-4, paragraph 0031, teaches parser as part of the system, and see page 4, paragraph 0032, wherein “performed in real-time” reads on “immediately”);

receive user preference information from a user (See page 4, paragraph 0037);

integrate the content and the metadata according to the user preference information and based on the result of the parsing of the metadata (See page 4, paragraph 0031, also see page 4, paragraph 0034, and page 1, paragraph 0011, metadata and user preference represented in user profile form a dataset composite); and

display the integrated content concurrently using one or more displays (See page 3, paragraph 0031).

As to claim 21, Shteyn discloses a machine-readable medium having stored thereon data representing sets of instructions which when executed by a machine, cause the machine to:

search a plurality of media sources for content and metadata based on a search criteria (See pages 3-4, paragraph 0031, wherein “search criteria” reads on “time, genre, etc.” which are all search options except user preference);

parse the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time (See pages 3-4, paragraph 0031, teaches parser as part of the system, and see page 4, paragraph 0032, wherein “performed in real-time” reads on “immediately”);

receive user preference information from a user (See page 4, paragraph 0037);

integrate the content and the metadata according to the user preference information and based on the result of the parsing of the metadata (See page 4, paragraph 0031, also see page 4, paragraph 0034, and page 1, paragraph 0011, metadata and user preference represented in user profile form a dataset composite); and

display the integrated content concurrently using one or more displays (See page 3, paragraph 0031).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-2, 4-12, 14-22, and 24-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***



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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Makipaa et al. (U.S. Patent No. 6,556,217 B1) teaches content adaptation and pagination based on terminal capabilities.

Sheth et al. (U.S. Patent No. 6,311,194 B1) teaches creating semantic Web and its applications in personalization.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
April 3, 2006

  
**CHARLES RONES**  
**SUPERVISORY PATENT EXAMINER**